

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.:	10/808,015	§	Confirmation No.:	5688
		§		
Applicant:	Dan Scott Johnson	§	Examiner:	Paul J. Graham
		§		
Filed:	March 24, 2004	§	TC/A.U.:	2426
		§		
Title:	AUDIO/VIDEO	§	Docket No.:	200207102-1
	COMPONENT	§		(HPC.0700US)
	NETWORKING	§		
	SYSTEM AND	§		
	METHOD	§		

Mail Stop Appeal Brief-Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

The following sets forth Appellant's Reply to the Examiner's Answer dated February 22, 2010.

II. RELATED APPEALS AND INTERFERENCES

To supplement Section II of the Appeal Brief, Appellant sets forth the following information.

Appeal Briefs dated January 25, 2008, and August 6, 2009, and a Reply Brief dated March 29, 2010, were filed in U.S. Serial No. 10/808,012; a Notice of Appeal dated March 3, 2010, was filed in U.S. Serial No. 10/808,136; and a Notice of Appeal dated March 16, 2010, was filed in U.S. Serial No. 10/808,036. The appeals in U.S. Serial Nos. 10/808,012, 10/808,136, and 10/808,036 may be related to, directly affect, or be directed affected by, or have a bearing on the Board's decision in the pending appeal.

X. RELATED PROCEEDINGS APPENDIX

To supplement Section X of the Appeal Brief, Appellant sets forth the following information.

Appeal Briefs dated January 25, 2008, and August 6, 2009, and a Reply Brief dated March 29, 2010, were filed in U.S. Serial No. 10/808,012; a Notice of Appeal dated March 3, 2010, was filed in U.S. Serial No. 10/808,136; and a Notice of Appeal dated March 16, 2010, was filed in U.S. Serial No. 10/808,036. No decision on appeal has been rendered in any of the above cases.

VII. ARGUMENT

The following sets forth appellant's response to points raised in the 02/22/2010

Examiner's Answer.

REPLY TO EXAMINER'S ANSWER REGARDING THE REJECTION OF CLAIMS 1, 4, 28

The Appeal Brief set forth detailed reasons regarding why independent claim 1 is non-obvious over Williams, Accarie, and Salmonsén. As argued in the Appeal Brief, the hypothetical combination of Williams, Accarie, and Salmonsén would not have provided any teaching or hint of the claimed subject matter. Moreover, for various reasons set forth in the Appeal Brief, no reason existed that would have prompted a person of ordinary skill in the art to combine the cited references to achieve the claimed subject matter.

The Response to Arguments section of the Examiner's Answer stated that "the combination of Williams, Accarie et al., and Salmonsén yields predictable results because they are in the same field of endeavor and the device that is used would perform the same function in any system." 02/22/2010 Examiner's Answer at 15-16. It is respectfully submitted that this statement by the Examiner does not support the obviousness rejection.

One of the arguments raised by the Appeal Brief is that the hypothetical combination of the references does not provide any hint of presenting to a user a **filtered** aggregated listing of the A/V program data available from each of the plurality of source components based on a **type** of the presentation device. As conceded by the Examiner and as repeated in the Response to Arguments section of the Examiner's Answer, Williams and Accarie fail to disclose presenting such **filtered** aggregated listing of A/V program data based on a **type** of the presentation device. *Id.* at 16. However, the Examiner in the Response to Arguments section of the Examiner's

Answer referred to Figure 9 of Salmonsén as purportedly disclosing the claimed feature that was conceded to be missing from Williams and Accarie. Specifically, the Examiner pointed to a play list depicted in Figure 9 of Salmonsén. Box 916 in Figure 9 of Salmonsén includes play lists. Box 916 of Salmonsén represents media management software that supplies content in various formats for access by a server 918. Salmonsén, ¶ [0148]. As further explained by Salmonsén, the media management software 916 may supply various types of content files including music files, photo files, video files, and others. *Id.* Moreover, the media management software 916 of Salmonsén may also supply play lists and GUI information such as navigation information and graphic elements. *Id.* Thus, the separately identified music files, photo files, and video files depicted in Figure 9 of Salmonsén are different types of content files that are supplied by the media management software 916. However, there is no hint in Figure 9 of Salmonsén (or in the text accompanying Figure 9 of Salmonsén) of presenting to a user **filtered** aggregated listing of A/V program data available from each of the plurality of source components based on a **type** of the presentation device. Providing different types of content files by media management software, as taught by Salmonsén, is completely different from presenting filtered aggregated listing of A/V program data based on a type of the presentation device, as claimed.

The Examiner has read into Figure 9 a teaching that clearly does not exist in Figure 9 of Salmonsén. Coupled with the concession by the Examiner that the other references Williams and Accarie also fail to disclose the foregoing claimed feature, it is respectfully submitted that the obviousness rejection is defective for at least the reason that the hypothetical combination of the references would not have led to the claimed subject matter.

In view of the foregoing and in view of the arguments presented in the Appeal Brief, it is clear that the obviousness rejection of the foregoing claims is erroneous.

REPLY TO EXAMINER'S ARGUMENTS REGARDING THE REJECTION OF CLAIMS 13, 19, 23

In response to the arguments presented in the Appeal Brief with respect to the foregoing claims, the Examiner pointed to Figure 14 of Salmonsén in the Response to Arguments section of the Examiner's Answer. Note that the arguments presented in the Appeal Brief for the foregoing claims referred to the arguments made with respect to claim 1. Basically, the Appeal Brief argued that independent claim 13 is allowable over the cited references for similar reasons as claim 1.

With respect to claim 13, the Response to Arguments section of the Examiner's Answer pointed specifically to ¶¶ [0183]-[0185] along with Fig. 14 of Salmonsén. 02/22/2010 Examiner's Answer at 17. The cited passages in ¶¶ [0183]-[0185] contain text accompanying Figure 14. As stated by ¶ [0183], Figure 14 is a schematic block diagram that illustrates a multiple-media receiver/recorder 1400. Paragraph [0183] also refers to renderers 1430, 1432, 1434. Paragraph [0183] of Salmonsén also states that an emulator 1410 can select media content from media sources 1420, 1422, 1424 or media storage elements 1426, 1427, 1428. Paragraph [0183] also notes that the emulator 1410 can access media content from network devices connected via a network interface.

Paragraph [0185] of Salmonsén states that for signals that are in a format that can be rendered by a selected renderer 1430, 1432, or 1434, the emulator 1410 passes through the signals to the renderer unaltered. For signals that are not in the suitable rendering format, ¶ [0185] states that the emulator 1410 reformats or transcodes the signals to a suitable format, such as an MPEG format.

The reformatting or transcoding that is performed by the emulator 1410 in Figure 14 of Salmonsén has nothing to do with the subject matter of claim 13, which recites presenting to the user a **filtered aggregated listing** of the A/V program data available from each of the plurality of source components based on a **type** of the presentation device. Figure 14 and the accompanying text of Salmonsén would merely have led a person of ordinary skill in the art to the following: if a renderer is unable to render an input signal of a particular format, then the emulator can be used to reformat or transcode the signal to the appropriate format.

In view of the foregoing, it is clear that Figure 14 of Salmonsén provides no hint of the subject matter of claim 13.

For the foregoing reasons and the reasons stated in the Appeal Brief, the obviousness rejection of the foregoing claims is clearly erroneous.

REPLY TO EXAMINER'S ANSWER RELATING THE REJECTION OF CLAIM 29

Claim 29 depends from base claim 1, and further recites that the sink component is configured to further apply a filtering criterion based on the types of the plural presentation devices to insert in the filtered aggregated listing those A/V program data presentable by the types of the plural presentation devices but **not** A/V program data that are **not presentable** by the types of the plural presentation devices.

The Response to Arguments section of the Examiner's Answer pointed to column 17, lines 39-65, and column 18, lines 19-25, of Williams as purportedly disclosing the further subject matter of claim 29. Examiner's Answer at 18. The citation of column 17, lines 39-65, of

Williams was already addressed in the Appeal Brief and those arguments will not be repeated here.

Column 18, lines 19-25, of Williams refers to a parent being able to control what channels can be viewed on any particular television set and when those channels can be viewed. A parent entering channels that can or cannot be viewed has nothing to do with applying a filtering criterion based on the **types** of the plural presentation devices to insert the filtered aggregated listing those A/V program data presentable by the types of the plural presentation devices but not A/V program data that are not presentable by the types of the plural presentation devices.

For the foregoing reasons and the reasons set forth in the Appeal Brief, the obviousness rejection of claim 29 is clearly erroneous.

REPLY TO EXAMINER'S ANSWER REGARDING THE REJECTION OF CLAIM 35

Claim 35 further recites that the processor is to further determine whether the decoder is able to decode the A/V program data from the plurality of source components, and to insert into the filtered aggregated listing the A/V program data that are decodable by the decoder, but to not insert into the filtered aggregated listing the A/V program data that are not decodable by the decoder.

In the Response to Arguments section of the Examiner's Answer, the Examiner pointed to ¶ [0065] of Hunter as purportedly disclosing the foregoing claimed subject matter. 02/22/2010 Examiner's Answer at 19. Paragraph [0065] of Hunter refers to a decoder 82 that looks for headers in the data stream indicating movies or other content that has been preselected

for a recording. Decoded preselected movie data is written to a high density record/playback drive, such a DVD drive. Hunter, ¶ [0065]. However, there is absolutely no hint here of the subject matter of claim 35, where a processor is to determine whether the decoder is able to decode the A/V program data and to insert into the filtered aggregated listing the A/V program data that are decodable by the decoder, but to not insert into the filtered aggregated listing the A/V program data that are not decodable by the decoder.

The obviousness rejection of claim 35 is therefore further defective for the foregoing reasons.

A. CONCLUSION

In view of the foregoing, and in view of the arguments presented in the Appeal Brief, reversal of all final rejections is respectfully requested.

Respectfully submitted,

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/Dan C. Hu/
Dan C. Hu
Registration No. 40,025
TROP, PRUNER & HU, P.C.
1616 South Voss Road, Suite 750
Houston, TX 77057-2631
Telephone: (713) 468-8880
Facsimile: (713) 468-8883